

REMARKS

In the present application, claims 1-39 are pending. Claims 1-3, 7-14, 16, 20, 22-26, 28-30, 33, 35, and 39 are rejected and claims 4-6, 15, 17-19, 21, 27, 31, 32, 34, and 36-38 are objected to as being dependent upon a rejected base claim. In view of the following remarks, Applicant respectfully requests reconsideration of the application.

Election/Restriction

In the Office Action, the Examiner found Applicant's grounds for traversal persuasive. Applicant thanks the Examiner for rejoining all the claims.

Rejection Under 35 U.S.C. §102

In paragraph 3, the Examiner rejected claims 1-3, 11-12, 16, 24, and 35 as being anticipated by *Jespersen* (USPN 6,253,438). Specifically, the Examiner contends that *Jespersen* teaches that it is known to "label a cylindrical object with a rotatable label comprising a base affixed directly to the container and a shell having a rotatable portion with a transparent window... [whereby] the consumer breaks the lines of perforation to allow rotation of the rotatable portion." The present application claims priority by way of continuation, continuation-in-part, and divisional applications/patents back to U.S. Patent No. 6,086,697 (hereinafter '697 *Key* patent) with a filing date of July 29, 1998. This filing date predates the filing date of *Jespersen* (i.e., September 22, 1999). The concepts of having a base label affixed directly to the container and a rotatable label having a transparent window is provided by the '697 *Key* patent. The '697 *Key* patent further provides various methods of temporarily coupling the rotatable label and removing the temporary coupling mechanism to allow the rotatable label to rotate. Thus, *Jespersen* is not a proper §102 reference, and claims 1-3, 11-12, 16, 24, and 35 are not anticipated by *Jespersen*.

Rejection Under 35 U.S.C. §103

In paragraphs 5-8, the Examiner found claims 7-10, 13-14, 20, 22-23, 25-26, 28-30, 33, and 39 as unpatentable over *Jespersen* in view of various other references (i.e., *Coulthard*, *Brombacher*, and *Morgan*). As previously discussed, the present application predates, by way of the parent applications/patents, the filing and issue dates of *Jespersen*. Therefore, *Jespersen* is not a proper §103 reference.

Even if *Jespersen* is a proper reference, which we contend it is not, the combination of *Jespersen* with *Coulthard* does not provide an operable device. *Coulthard* provides a display system for interchangeable displays having a flat (wall) mounted display panel in which display strips (i.e., photo-negative strips) may be positioned so light may pass through them for viewing. The cited electrostatic charge portion of *Coulthard* refers to a static cling material which must be permanently adhered to the photo-negative strips. The removal of the electrostatic charge from *Coulthard* will cause the strips to fall off the display, thus rendering the viewing aspect of *Coulthard* inoperable.

Further, there is no discussion or suggestion of applying the principles of *Coulthard* in a label environment. Nor would one skilled in the art be motivated to combine the teachings of a flat display panel device with an assembly line system for breaking connection ties on a rotatable label located about an object. As such there is no motivation to combine the teachings of *Coulthard* with *Jespersen*.

Furthermore, there is no motivation to combine *Jespersen* with *Brombacher* in order to obtain the present invention. The cited portion of *Brombacher* refers to the use of resealable adhesive glue whereby "after the consumer has finished reading the instructions, the front page can be brought down into contact with the glue dots to reseal the booklet." (col.3, 1.66 - col.4,1.1). Thus, the purpose of the glue dots in *Brombacher* is for sealing and resealing a front page to a second page.

In contrast, embodiments of the present invention are not concerned with resealing the rotatable label to the object. In fact, resealing defeats the purpose of removing the temporary coupling mechanism in the present application - to allow the outer label to rotate.

Additionally, *Brombacher* cites that "there are no perforations to tear, or other obstructions to opening the booklet label." (col.3,1.60-62). This teaches away from *Jespersen* which is concerned with breaking a perforation in order to allow the rotatable label to rotate. Therefore, there is no motivation to combine the teachings of *Brombacher* with *Jespersen*.

For at least the above stated reasons, the claims 7-10, 13-14, 20, 22-23, 25-26, 28-30, 33, and 39 are not obvious in view of the prior art.

Allowable Subject Matter

In paragraph 9, the Examiner objected to claims 4-6, 15, 17-19, 21, 27, 31-32, 34, and 36-38 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant would like to thank the Examiner for finding these claims allowable. Applicant believes, however, that based on the above remarks, the base claims and intervening claims are allowable, and that objected to claims 4-6, 15, 17-19, 21, 27, 31-32, 34, and 36-38 are allowable without amendment.

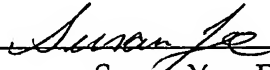
Conclusion

Based on the foregoing remarks, Applicant believes that the objections and rejections in the Office Action are fully overcome and that the application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicant's undersigned representative.

Respectfully submitted,

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